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juror deliberately accepted the amount thus ascertained. *Luft v. Lingane*, 17 R. I. 420; *Sullens v. Chic. R. I. & P. Ry. Co.*, 74 Iowa 659. If the amount finally announced as the verdict is less than the quotient obtained after an effort to arrive at a reasonable figure by dividing by twelve, the aggregate of the separate awards of the jurors, it will stand. *Johnson v. Northern Pac. Ry. Co.*, 46 Fed. 347. When the jury has arrived at a quotient verdict by the addition and division, and after being sent back for deliberation returns the same verdict, the judge having instructed the jury as to the proper method of arriving at a verdict, it will stand. *Roy v. Goings*, 112 Ill. 656.

WATERS AND WATER COURSES—PERCOLATING WATERS—DIVERSION—SALE.—*MILLER v. BAY CITIES WATER CO.*, 107 PAC. 115 (CAL.).—*Held*, that the rights of owners of land overlying a water-bearing stratum to withdraw and use the waters are correlative, so that one may not divert such waters for sale elsewhere to the injury of others.

The weight of authority is that the same rights exist in a subterranean stream flowing in a definite and known channel as exist in a surface stream. *Tiffany on Real Property*, Sect. 300; *Whetstone v. Bowser*, 29 Pa. St. 59; *Burroughs v. Saterlee*, 67 Iowa 396. And where these rights are infringed, the owner will be protected. *Keeney v. Carrillo*, 2 N. M. 480. In *Taylor v. Welch*, 6 Ore. 198, it is held that every proprietor of land through which a stream of water flows has the right to the use of the water without diminution or obstruction even though it flow in an undefined and unknown channel. On the other hand, the rule has been stated that the owner of soil through which an underground stream flows has no property right to an undisturbed flow on which he could maintain an action for its diversion. *Brown v. Illius*, 27 Conn. 84. As to water in the earth or percolating under the surface, the general rule is that no correlative rights exist between proprietors of adjoining lands in reference to the use of such water. *Chatfield v. Wilson*, 28 Vt. 49; *Mosier v. Caldwell*, 7 Nev. 363; *Delhi v. Youmans*, 45 N. Y. 362, *affirming* 50 Barb. 316; *Chase v. Silvertown*, 62 Me. 175. In one case it was said that water percolating through the soil could not be distinguished from the soil itself, and that the owner of the soil was entitled to such water. *Crescent Mining Co. v. Silver King Mining Co.*, 17 Utah, 444. But one owner will not be permitted to waste the water to the injury of his neighbor. *Stillwater Water Co. v. Farmer*, 89 Minn. 58. And in a late case in New Jersey, a city was held liable in damages for an injury caused by the sinking wells on its own land, through which it drew out the percolating water. *Meeker v. East Orange*, 76 N. J. L. 435.